

## **REMARKS**

Claims 14, 24, 36, and 45 are amended. Claims 14, 16-24, 26-33, 36, and 38-53 are pending in the application. In view of the following remarks and amendments, Applicant respectfully requests that the rejections be withdrawn and the application be forwarded on to issuance.

### **Rejections under § 103**

Claims 14, 16-24, 26-33, 36, and 38-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,393,430 to Van Ryzin (“Van Ryzin”), in view of U.S. Publication No. 2003/0227473 to Shih et al. (“Shih”).

Claims 45-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Van Ryzin in view of Shih and in further view of Tony Hawk Pro Skater 2 for Playstation (“THPS2”).

While Applicant does not concede the propriety of the rejections, nevertheless, in the interest of expediting prosecution of the subject application, claims 14, 24, 36, and 45 are amended.

### **The Claims**

**Claim 14** as amended recites a method, implemented in a game console, the method comprising [added language is indicated in bold italics]:

- obtaining an audio track from an audio source;
- saving the audio track ***without saving at least some meta data associated with the audio track*** on a storage device of the game console, so that a copy of the

audio track is available when the audio source is no longer accessible to the game console, wherein the audio track is at least part of a user-created soundtrack;

- saving an identifier of the audio source on the storage device;
- after saving the audio track, determining when an online service that provides a database containing meta data associated with the audio track is available,
- connecting to the online service, obtaining the meta data associated with the audio track from the database and storing the meta data associated with the audio track on the storage device, wherein the meta data is obtained from the online service based at least in part on the identifier saved on a the storage device;
- associating the user-created soundtrack with a game application;
- executing the game application on the game console; and
- during execution of the game application, playing the user-created soundtrack and displaying information regarding the soundtrack based on the meta data.

Support for the amendment to this claim can be found throughout Applicant's specification including, for example, page 3, lines 5-8 and page 32, lines 5-12. In making out the rejection of claim 14, the Office argues claim 14 would have been obvious over Van Ryzin in view of Shih. Applicant respectfully submits that Van Ryzin and Shih, alone or in combination, fail to teach or suggest, "saving the audio track without saving at least some meta data associated with the audio track on a storage device of the game console," as recited in claim 14.

The Office argues that Van Ryzin teaches, "saving the audio track so that a copy of the audio track is available when the audio source is no longer accessible to the PC." (*Office Action*, pg. 3). However, Van Ryzin teaches that, "a user may make custom recordings . . . from their own music CD collection . . . or from music data files that are purchased electronically via the Internet by means of modem." (Van Ryzin, col. 3 lines 48-52). Further, "in the case of a music CD as a source medium, the software copies

audio track information from the music CD that has been placed in the user's PC CD-ROM drive to the PC's hard drive." (Van Ryzin, col. 3 lines 54-59). This excerpt teaches that the audio track information, i.e., the meta data, is copied from the music CD to the PC's hard drive, i.e., the storage device. Therefore, when making the custom recordings from a CD, Van Ryzin does not teach, "saving the audio track *without saving at least some meta data associated with the audio track* on a storage device of the game console," as recited in claim 14.

Alternatively, when making custom recordings from music data files from the Internet, Van Ryzin teaches, at column 5, lines 30-40, that:

Referring to FIG. 5, an overall flow of the present invention is shown. First, at Block 50 . . . Track information from the source medium is copied to the PC storage, the hard drive of the computer. The software reads the raw track data from the storage medium (CD), compresses it, and writes it to the PC hard drive.

This excerpt teaches that track information, i.e., the meta data, and the raw track data, i.e., the audio track, are both saved to the PC hard drive, i.e., the storage device, *at the same time since both are in Block 50*. Therefore, when making the custom recordings from a music data file from the Internet, Van Ryzin does not teach, "saving the audio track *without saving at least some meta data associated with the audio track* on a storage device of the game console," as recited in claim 14. In point of fact, Van Ryzin teaches directly away from any such notion.

Shih does not contribute anything of significance to the combination of references as to, "saving the audio track without saving at least some meta data associated with the

audio track,” as recited in claim 14. Specifically, the Office only uses Shih when dealing with a different feature. (*Office Action*, pg. 3).

Therefore, for at least these reasons, the Office has not established a prima facie case of obviousness. Accordingly, Applicant respectfully submits that claim 14 is allowable and further requests that the § 103(a) rejections as to claim 14 be withdrawn.

**Dependent claims 16-23** depend from claim 14 and are allowable as depending from an allowable base claim and for their own recited features which are neither shown nor described in the references of record.

**Claim 24** as amended recites a computer-readable medium for a game console comprising computer-executable instructions that, when executed, direct the game console to [added language is indicated in bold italics]:

- obtain an audio track from an audio source;
- save the audio track, ***without saving at least some meta data associated with the audio track***, to a storage device of the game console, so that a copy of the audio track is available when the audio source is no longer accessible to the game console, wherein the audio track is at least part of a user-selected soundtrack;
- save an identifier of the audio source and the audio track;
- after the audio track is saved, determine when an online service that provides a database containing meta data associated with the audio track is available,
- connect to the online service when the online service is available, obtain the meta data associated with the audio track from the database and store the meta data associated with the audio track, wherein the meta data is obtained from the online service based at least in part on the identifier saved on a storage device;
- associating the user-selected soundtrack with a game application;
- executing the game application in the game console; and
- during execution of the game application playing the user-created soundtrack and displaying information regarding the soundtrack based on the meta data.

Support for the amendment to this claim can be found throughout Applicant's specification including, for example, page 3, lines 5-8 and page 32, lines 5-12. In making out the rejection of claim 24, the Office argues claim 24 would have been obvious to one skilled in the art over Van Ryzin in view of Shih. Applicant respectfully submits, for the reasons mentioned above, that Van Ryzin and Shih, alone or in combination, fail to teach or suggest to, "save the audio track, without saving at least some meta data associated with the audio track, to a storage device of the game console," as recited in claim 24. Accordingly, for the reasons mentioned above, Applicant respectfully submits that claim 24 is allowable and further requests that the § 103(a) rejections as to claim 24 be withdrawn.

**Dependent claims 26-33** depend from claim 24 and are allowable as depending from an allowable base claim and for their own recited features which are neither shown nor described in the references of record.

**Claim 36** as amended recites a method, implemented in a game console, the method comprising [added language is indicated in bold italics]:

- copying an audio track from an audio source ***without copying at least some meta data associated with the audio track*** to a storage device of the game console, wherein the audio track is at least part of a user-selected soundtrack;
- using an identifier of the audio source to retrieve meta data associated with the audio track from a database over a network connection from an online service when the database is accessible;
- saving the identifier of the audio source on the game console when the database is not accessible and using the saved identifier to retrieve meta data associated with the audio track from the online service when the database is subsequently available;
- associating the user-selected soundtrack with a game application;
- executing the game application in the game console; and

- during execution of the game application playing the user-created soundtrack and displaying information regarding the soundtrack based on the meta data.

Support for the amendment to this claim can be found throughout Applicant's specification including, for example, page 3, lines 5-8 and page 32, lines 5-12. In making out the rejection of claim 36, the Office argues claim 36 would have been obvious over Van Ryzin in view of Shih. Applicant respectfully submits, for reasons similar to those mentioned above, that Van Ryzin and Shih, alone or in combination, fail to teach or suggest, "copying an audio track from an audio source without copying at least some meta data associated with the audio track to a storage device of the game console," as recited in claim 36. Accordingly, for the reasons mentioned above, Applicant respectfully submits that claim 36 is allowable and further requests that the § 103(a) rejections as to claim 36 be withdrawn.

**Dependent claims 38-44** depend from claim 36 and are allowable as depending from an allowable base claim and for their own recited features which are neither shown nor described in the references of record.

**Claim 45** as amended recites a computer-readable medium for a game console comprising computer-executable instructions that, when executed, direct the game console to [added language is indicated in bold italics]:

- copy an audio track from an audio source ***without copying at least some meta data associated with the audio track*** to a storage device of the game console, wherein the audio track is at least part of a user-created soundtrack;
- after having copied the audio track, use an identifier of the audio source to retrieve meta data associated with the audio track from a database over a network connection from an online service if the database is accessible;

- save the identifier of the audio source on the game console if the database is not accessible;
- executing a game application on the game console;
- pausing execution of the game application in response to receiving a request to select a new soundtrack to playback during execution of the game application; and
- displaying information regarding the user-created soundtrack based on the meta data to assist a user in selecting the new soundtrack.

Support for the amendment to this claim can be found throughout Applicant's specification including, for example, page 3, lines 5-8 and page 32, lines 5-12. In making out the rejection of claim 45, the Office argues claim 45 would have been obvious to one skilled in the art over Van Ryzin in view of Shih and further in view of THPS2. Applicant respectfully submits, for reasons similar to those mentioned above, that Van Ryzin, Shih, and THPS2, alone or in combination, fail to teach or suggest to, "copy an audio track from an audio source to a storage device of the game console without copying at least some meta data associated with the audio track on the storage device when copying the audio track," as recited in claim 45. THPS2 does not contribute anything of significance to the combination of references as to this feature, since the Office only uses THPS2 when dealing with a different feature. (*Office Action*, pg. 6). Accordingly, for the reasons mentioned above, Applicant respectfully submits that claim 45 is allowable and further requests that the § 103(a) rejections as to claim 45 be withdrawn.

**Dependent claims 46-53** depend from claim 45 and are allowable as depending from an allowable base claim and for their own recited features which are neither shown nor described in the references of record.

### **Conclusion**

The Application is in condition for allowance and the Applicant respectfully requests that the rejections be withdrawn and the application be forwarded on to issuance. Should any issue remain that prevents immediate issuance of the application, the Examiner is requested to contact the undersigned attorney to discuss the unresolved issue.

Respectfully submitted,

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